

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SCOTT ANDREW WITZKE,

Petitioner,

v.

CASE NO. 07-CV-15315  
HONORABLE GEORGE CARAM STEEH

THOMAS K. BELL,

Respondent.

**ORDER DENYING MOTIONS FOR RECONSIDERATION/REHEARING  
AND FOR APPOINTMENT OF COUNSEL**

This matter is before the Court on Petitioner's motions for reconsideration/rehearing and for appointment of counsel concerning the dismissal of his habeas corpus petition on exhaustion grounds. A motion for reconsideration which presents issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *See Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999); *Czajkowski v. Tindall & Assoc., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997). The Court properly dismissed the petition for failure to fully exhaust state remedies. Petitioner's pleadings reveal that he has several post-judgment motions pending in the state circuit court and that he has not fully exhausted his state remedies before proceeding in federal court on habeas review as required by federal law. *See* 28 U.S.C. §2254(b); *O'Sullivan v. Boerckel*, 526 U.S. 838, 845 (1999). Petitioner has not met his burden of showing a palpable defect by which the Court has been misled or his burden of showing that a different disposition must result from a correction thereof, as required by Local Rule 7.1(g)(3).

Accordingly, the Court **DENIES** Petitioner's motion for reconsideration/rehearing.  
Given this determination, the Court also **DENIES** Petitioner's motion for appointment of  
counsel.

**SO ORDERED.**

Dated: January 4, 2008

S/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on  
January 4, 2008, by electronic and/or ordinary mail.

S/Josephine Chaffee  
Deputy Clerk